

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF PENNSYLVANIA  
PHILADELPHIA DIVISION**

In re:  Francis E Smiley, III, Debtor.  Specialized Loan Servicing LLC, Movant,  Francis E Smiley, III, Debtor/Respondent,  Kenneth E. West, Trustee/Respondent.	CASE NO.: 23-10780-mdc  CHAPTER 13  Doc.: 2  <u>Confirmation Hearing:</u> June 1, 2023 at 9:30 AM
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**OBJECTION TO CONFIRMATION OF DEBTOR'S CHAPTER 13 PLAN**

Movant, Specialized Loan Servicing LLC ("Specialized Loan Servicing"), by and through its undersigned counsel, objects to confirmation of Debtor's Chapter 13 Plan and states as follows:

1. Debtor, Francis E Smiley, III, ("Debtor"), filed a voluntary petition pursuant to Chapter 13 of the Bankruptcy Code on March 17, 2023.
2. Specialized Loan Servicing holds a security interest in the Debtor's real property located at 215 Oxford Hill Lane, Havertown, PA 19083, by virtue of a Mortgage which secured a Note in the original principal amount of \$207,575.00. A true and correct copy of the Note is attached to Specialized Loan Servicing's Proof of Claim which is attached hereto as Exhibit "A."

3. The Mortgage was recorded with the Delaware County Recorder of Deeds on October 11, 2013, as Instrument Number 2013069923. A true and correct copy of Mortgage is attached to Specialized Loan Servicing's Proof of Claim which was filed with the Court on April 28, 2023.
4. On April 28, 2023, Specialized Loan Servicing filed its Proof of Claim as a secured creditor in the total amount of \$287,024.59. A true and correct copy of the Proof of Claim (with all supporting documents) is attached hereto as Exhibit "A."
5. The Proof of Claim further sets forth and itemizes a pre-petition arrearage of \$31,819.51. See Exhibit "A."
6. On March 17, 2023, Debtor filed a Chapter 13 Plan (the "Plan"). A true and correct copy of the Plan is attached hereto as Exhibit "B."
7. The Plan fails to account for the full pre-petition arrearage of \$31,819.51, as it only states that a total sum of \$27,560.00, will be paid to Secured Creditor through the Plan. See Exhibit "B."
8. Thus, the Plan is understated as it does not accurately reflect the amount of the pre-petition arrearage which will be paid through the Chapter 13 Trustee's Office.
9. Accordingly, pursuant to 11 U.S.C.A. § 1325(a)(5) Specialized Loan Servicing hereby objects to Debtor's proposed Plan due to the fact that the value of the property to be distributed thereunder will be less than the allowed amount under the claim. See 11 U.S.C.A. § 1325(a)(5)(B)(ii).

**WHEREFORE**, Movant, Specialized Loan Servicing LLC, respectfully requests this Court sustain the objections stated herein and deny confirmation of Debtor's Chapter 13 Plan.

Date: May 22, 2023

Respectfully Submitted,

**Robertson, Anschutz, Schneid, Crane & Partners, PLLC**

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Kenneth E. West, Trustee/Respondent.	

**CERTIFICATE OF SERVICE**

**I HEREBY CERTIFY** that on May 22, 2023, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system, and a true and correct copy has been served via CM/ECF or United States Mail to the following parties:

BRAD J. SADEK  
Sadek and Cooper  
1500 JFK Boulevard  
Ste 220  
Philadelphia, PA 19102

Francis E Smiley, III  
215 Oxford Hill Lane  
Havertown, PA 19083

KENNETH E. WEST  
Office of the Chapter 13 Standing Trustee  
1234 Market Street - Suite 1813  
Philadelphia, PA 19107

United States Trustee

Office of United States Trustee  
Robert N.C. Nix Federal Building  
900 Market Street  
Suite 320  
Philadelphia, PA 19107

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**Partners, PLLC**

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